

Case No. 5:06-cv-1872
Gwin, J.

416 U.S. 386, 391 (1974).

In the instant case, Defendants properly note that “since this statute has only been in effect since April 7, 2005, no Ohio court has yet had the opportunity to interpret or rule on it.” As such, the Court agrees with Defendants that “in the first instance, the Supreme Court of Ohio is the proper body to determine whether this reform measure is constitutional under Ohio law.”

Defendants and Plaintiff are hereby ordered to meet and confer to determine the language of the question to be certified to the Supreme Court of Ohio. This proposed order of certification should be filed with the Court no later than seven days from the filing of this order. If the parties are unable to agree, the parties are ordered to submit their respective positions to the Court no later than seven days from the filing of this order.

IT IS SO ORDERED.

Dated: February 14, 2007

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE